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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 YVETTE FELARCA, et al.

10 **CASE NO.: 4:11-cv-05719-YGR**

11 Plaintiffs,

12 **STIPULATION AND *MODIFIED***
13 **ORDER TO REVISE CASE**
SCHEDULE

vs.

14 ROBERT J. BIRGENEAU, et al.,

15 Date: November 20, 2012

16 Defendants.

17 Time: 2:00 p.m.

18 Ctrm: TBD

19 Judge: Hon. Yvonne Gonzalez Rogers

20 The parties, by and through their respective counsel, stipulate as follows:

21 **I. RECITALS**

22 1. On October 17, 2012, this Court ordered the following schedule for this case, per the
23 parties' stipulation, which was entered at the request of the plaintiffs:

24 i. Oppositions to motions filed in response to the Amended Complaint were
due on October 23, 2012.

ii. Replies to oppositions to motions filed in response to the Amended
Complaint are due on November 6, 2012.

iii. Hearings on any motions filed in response to the Amended Complaint
shall take place on Tuesday, November 20, 2012, at 2 p.m.

iv. The Case Management Conference is set for December 3, 2012.

1 2. This was the second postponement of the current proceedings. The hearing on motions
2 filed in response to the Amended Complaint had previously been scheduled for
3 November 13, 2012, and the Case Management Conference (CMC) had previously been
4 scheduled for September 10, 2012.

5 3. Counsel for plaintiffs have requested that defendants stipulate to a rescheduling of the
6 November 20 hearings and the December 3 Initial Case Management Conference.
7 Plaintiffs' lead counsel, Shanta Driver, has been invited to speak at an international
8 conference in London November 21, 2012, the day after the current hearing date for
9 motions responding to the Amended Complaint. She also will prepare for and appear at
10 an immigration hearing in London that week.

11 4. The motions to dismiss, if granted, would narrow the issues of this case before the Case
12 Management Conference.

13 5. Counsel for the parties have agreed to stipulate to the following briefing schedule, subject
14 to the Court's approval: any replies to oppositions to motions would be due November
15 13, 2012. (Previously, the Court granted an extension that provided plaintiffs an
16 additional week to prepare their oppositions; this date change would similarly give
17 defendants an additional week to prepare their replies.)

18 6. The attorneys have consulted and determined that we are all jointly available on
19 December 4, 2012 for the hearing on motions to dismiss.

20 7. The attorneys have consulted and determined that we are all jointly available on
21 December 17, 2012, or a later Monday, for the Initial Case Management Conference.

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23 **II. STIPULATION**

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1. Any replies to oppositions to motions filed in response to the Amended Complaint shall be due on November 13, 2012.
2. Hearings on any motions filed in response to the Amended Complaint shall take place on Tuesday, December 4, 2012 at 2 p.m., or at such other time as the Court may order.
3. The Initial Case Management Conference shall take place on Monday, December 17, 2012 at 2 p.m., or at such other time as the Court may order.

By the parties' attorneys IT IS SO STIPULATED,

Date: October 30, 2012

SCHEFF, WASHINGTON & DRIVER

By /s/ Ronald Cruz
RONALD CRUZ
Attorneys for Plaintiffs

Date: October 30, 2012

ANDRADA & ASSOCIATES

By _____
LYNNE G. STOCKER
Attorneys for Defendants
GREGORY AHERN, OFFICER CHAVEZ,
OFFICER GARCIA, OFFICER KING and
OFFICER OBICHERE

Dated: October 30, 2012

CROWELL & MORING, LLP

By _____
JANINE L. SCANCARELLI
Attorneys for Defendants
ROBERT J. BIRGENEAU, GEORGE
BRESLAUER, HARRY LE GRANDE, LINDA
WILLIAMS, JOHN WILTON, CLAIRE
HOLMES, MITCHELL CELAYA

Dated: October 30, 2012

LACKIE, DAMMEIER, MCGILL & ETHEIR, APC

1 By _____
2 RUSSELL M. PERRY
3 Attorneys for Defendants
4 OFFICER N. HERNANDEZ, OFFICER
5 LACHLER and DETECTIVE RICK FLORENDO

6 The Hearing on the Defendants' Motions to Dismiss is **CONTINUED** from November 20,
7 2012 to **December 11, 2012**.

8 The Case Management Conference is **CONTINUED** from December 3, 2012 to **February
9 11, 2013**.

10 **PURSUANT TO STIPULATION, AS MODIFIED, IT IS SO ORDERED.**

11 Dated: October 31, 2012


12 Hon. Yvonne Gonzalez Rogers
13 United States District Court Judge

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